

AMENDED IN ASSEMBLY JUNE 20, 2006

AMENDED IN ASSEMBLY MAY 23, 2006

AMENDED IN SENATE MAY 25, 2005

AMENDED IN SENATE MAY 4, 2005

SENATE BILL

No. 603

Introduced by Senator Ortiz

February 18, 2005

An act to amend Sections 13776, 13777, and 13779 of, and to add Section 13777.2 to, the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 603, as amended, Ortiz. Law enforcement: anti-reproductive rights crimes.

Existing law requires the Attorney General to assume specified duties relating to planning, information gathering, and analysis with respect to anti-reproductive-rights crimes, as defined, including consultation with specified subject matter experts. Existing law also required the Attorney General to make a report to the Legislature in 2005 on the issue of anti-reproductive-rights crimes. Existing law is to be repealed as of January 1, 2007, unless a later enacted statute deletes or extends that date.

This bill would add and delete specified organizations from the list of subject matter experts. This bill would also require the ~~Attorney General~~ *Commission on the Status of Women* to convene an advisory committee that would be responsible for reporting, as specified, to the Legislature and specified agencies on the implementation of the Reproductive Rights Law Enforcement Act and the effectiveness of the plan developed by the Attorney General.

Because the bill would extend the operative date of provisions that would impose reporting requirements on local governments, the bill would impose a state-mandated program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13776 of the Penal Code is amended to
2 read:
3 13776. The following definitions apply for the purposes of
4 this title:
5 (a) “Anti-reproductive-rights crime” means a crime committed
6 partly or wholly because the victim is a reproductive health
7 services client, provider, or assistant, or a crime that is partly or
8 wholly intended to intimidate the victim, any other person or
9 entity, or any class of persons or entities from becoming or
10 remaining a reproductive health services client, provider, or
11 assistant. “Anti-reproductive-rights crime” includes, but is not
12 limited to, a violation of subdivision (a) or (c) of Section 423.2.
13 (b) “Subject matter experts” includes, but is not limited to, the
14 Commission on the Status of Women, law enforcement agencies
15 experienced with anti-reproductive-rights crimes, *including the*
16 *Attorney General and the Department of Justice,* and
17 organizations such as the American Civil Liberties Union, the
18 American College of Obstetricians and Gynecologists, the
19 California Council of Churches, the California Medical
20 Association, the Feminist Majority Foundation, NARAL
21 Pro-Choice California, the National Abortion Federation, the
22 *California* National Organization for Women, the Planned
23 Parenthood Federation of America, ~~and women’s health~~
24 ~~specialists~~ *Planned Parenthood Affiliates of California, and the*

1 *Women's Health Specialists clinic* that represent reproductive
2 health services clients, providers, and assistants.

3 (c) "Crime of violence," "nonviolent," "reproductive health
4 services;" "reproductive health services client, provider, or
5 assistant;" and "reproductive health services facility" each has
6 the same meaning as set forth in Section 423.1.

7 SEC. 2. Section 13777 of the Penal Code is amended to read:
8 13777. (a) Except as provided in subdivision (d), the
9 Attorney General shall do each of the following:

10 (1) Collect and analyze information relating to
11 anti-reproductive-rights crimes, including, but not limited to, the
12 threatened commission of these crimes and persons suspected of
13 committing these crimes or making these threats. The analysis
14 shall distinguish between crimes of violence, including, but not
15 limited to, violations of subdivisions (a) and (e) of Section 423.2,
16 and nonviolent crimes, including, but not limited to, violations of
17 subdivision (c) of Section 423.2. The Attorney General shall
18 make this information available to federal, state, and local law
19 enforcement agencies and prosecutors in California.

20 (2) Direct local law enforcement agencies to report to the
21 Department of Justice, in a manner that the Attorney General
22 prescribes, any information that may be required relative to
23 anti-reproductive-rights crimes. The report of each crime that
24 violates Section 423.2 shall note the subdivision that prohibits
25 the crime. The report of each crime that violates any other law
26 shall note the code, section, and subdivision that prohibits the
27 crime. The report of any crime that violates both Section 423.2
28 and any other law shall note both the subdivision of Section
29 423.2 and the other code, section, and subdivision that prohibits
30 the crime.

31 (3) On or before July 1, 2003, and every July 1 thereafter,
32 submit a report to the Legislature analyzing the information it
33 obtains pursuant to this section.

34 (4) (A) Develop a plan to prevent, apprehend, prosecute, and
35 report anti-reproductive-rights crimes, and to carry out the
36 legislative intent expressed in subdivisions (c), (d), (e), and (f) of
37 Section 1 of the act that enacts this title in the 2001–02 Regular
38 Session of the Legislature.

1 (B) Make a report on the plan to the Legislature by December
2 1, 2002. The report shall include recommendations for any
3 legislation necessary to carry out the plan.

4 (b) In carrying out his or her responsibilities under this
5 section, the Attorney General shall consult the Governor, the
6 Commission on Peace Officer Standards and Training, and other
7 subject matter experts.

8 (c) To avoid production and distribution costs, the Attorney
9 General may submit the reports that this section requires
10 electronically or as part of any other reports that he or she
11 submits to the Legislature, and shall post the reports that this
12 section requires on the Department of Justice Web site.

13 (d) The Attorney General shall implement this section to the
14 extent the Legislature appropriates funds in the Budget Act or
15 another statute for this purpose.

16 SEC. 3. Section 13777.2 is added to the Penal Code, to read:

17 13777.2. (a) ~~The Attorney General~~ *Commission on the Status*
18 *of Women* shall convene an advisory committee consisting of one
19 person appointed by the Attorney General and one person
20 appointed by each of the organizations named in subdivision (b)
21 of Section 13776 that chooses to appoint a member, *and any*
22 *other subject matter experts the commission may appoint.* The
23 advisory committee shall elect its chair and any other officers of
24 its choice.

25 (b) The advisory committee shall make a report in 2007 to the
26 Committees on Health, Judiciary, and Public Safety of the Senate
27 and Assembly, to the Attorney General, the Commission on
28 Peace Officer Standards and Training, and the Commission on
29 the Status of Women. The report shall evaluate the
30 implementation of Chapter 899, Statutes of 2001 and the
31 effectiveness of the plan developed by the Attorney General
32 pursuant to subparagraph (A) of paragraph (4) of Section 13777.
33 The report shall also include recommendations concerning
34 whether the Legislature should extend or repeal the sunset dates
35 in Section 13779, recommendations regarding any other
36 legislation, and recommendations for any other actions by the
37 Attorney General, Commission on Peace Officer Standards and
38 Training, or the Commission on the Status of Women.

39 ~~(c) The Attorney General shall do each of the following:~~

1 ~~(1) Provide the advisory committee with reasonable meeting~~
2 ~~space.~~

3 ~~(2) Provide the advisory committee with information and~~
4 ~~support necessary for the committee to comply with the~~
5 ~~requirements of law, including, but not limited to, the~~
6 ~~Bagley-Keene Open Meeting Act and the Public Records Act.~~

7 ~~(3) Provide the advisory committee with other reasonable staff~~
8 ~~support and resources, to the extent funds for this purpose are~~
9 ~~available.~~

10 ~~(4) Provide the advisory committee with the information it~~
11 ~~requests to carry out its responsibilities, to the extent this~~
12 ~~information is reasonably available.~~

13 ~~(5) Transmit the report of the advisory committee to the~~
14 ~~(c) The Commission on the Status of Women shall transmit the~~
15 ~~report of the advisory committee to the appropriate committees of~~
16 ~~the Legislature, including, but not limited to, the Committees on~~
17 ~~Health, Judiciary, and Public Safety in the Senate and Assembly,~~
18 ~~and make the report available to the public, including by posting~~
19 ~~it on the Attorney General's Commission on the Status of~~
20 ~~Women's Web site. To avoid production and distribution costs,~~
21 ~~the Attorney General Commission on the Status of Women may~~
22 ~~submit the report electronically or as part of any other report that~~
23 ~~the Attorney General Commission on the Status of Women~~
24 ~~submits to the Legislature.~~

25 ~~(d) The Commission on Peace Officer Standards and Training~~
26 ~~shall make the telecourse that it produced in 2002 pursuant to~~
27 ~~subdivision (a) of Section 13778 available to the advisory~~
28 ~~committee. However, before providing the telecourse to the~~
29 ~~advisory committee or otherwise making it public, the~~
30 ~~commission shall remove the name and face of any person who~~
31 ~~appears in the telecourse as originally produced who informs the~~
32 ~~commission in writing that he or she has a reasonable~~
33 ~~apprehension that making the telecourse public without the~~
34 ~~removal will endanger his or her life or physical safety.~~

35 ~~(e) Nothing in this section requires any state agency to pay for~~
36 ~~compensation, travel, or other expenses of any advisory~~
37 ~~committee member.~~

38 SEC. 4. Section 13779 of the Penal Code is amended to read:

1 13779. This title shall remain in effect until January 1, 2009,
2 and as of that date is repealed unless a later enacted statute
3 deletes or extends that date.

4 *SEC. 5. If the Commission on State Mandates determines that*
5 *this act contains costs mandated by the state, reimbursement to*
6 *local agencies and school districts for those costs shall be made*
7 *pursuant to Part 7 (commencing with Section 17500) of Division*
8 *4 of Title 2 of the Government Code.*